

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

564P0133

HOUSE BILL NO. 1114

Introduced by: Representatives Boomgarden, Ahlers, Bradford, Engels, Feinstein, Lucas, Novstrup (Al), Rausch, Rave, and Thompson and Senators Peterson (Jim), Hauge, Hoerth, Katus, Maher, Napoli, Nesselhuf, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the definition and
2 operation of farm wineries.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-12-1 be amended to read as follows:

5 35-12-1. Terms used in this chapter mean:

- 6 (1) "Farm winery," any winery ~~operated by the owner of a South Dakota farm and~~
7 producing table, sparkling, or sacramental wines as defined in subdivision (2) or wine
8 as defined in subdivision (3), with a majority of the ingredients grown or produced
9 in South Dakota;
- 10 (2) "Table, sparkling, and sacramental wines," any beverage made without rectification
11 or fortification and containing not more than twenty-four percent alcohol by volume
12 and made by the fermentation of grapes, grape juice, other fruits, or honey;
- 13 (3) "Wine," any beverage made without rectification, except for the purpose of
14 fortification, from the fermentation of grapes, grape juice, other fruit bases, or honey,



1 with or without adding brandy or alcohol, and containing not less than one-half
2 percent and not more than twenty-four percent alcohol by volume.

3 Section 2. That § 35-12-5 be amended to read as follows:

4 35-12-5. A license issued pursuant to § 35-12-2 authorizes the sale on the farm winery
5 premises of table wine, sparkling wines, or sacramental wines, or any wine as defined in
6 subdivision 35-12-1(3), produced by the farm winery at on-sale or off-sale, in retail, or
7 wholesale lots in total quantities not in excess of one hundred fifty thousand gallons in a
8 calendar year, glassware, wine literature and accessories, food products, South Dakota made
9 products, and the dispensing of free samples of wines offered for sale. Sales at on-sale and off-
10 sale may be made at any time during the week except on Sundays when the on-sale and off-sale
11 sales are restricted to between twelve noon and twelve midnight.